

PETITION FOR ZONING VARIANCE 84-157-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.35.1 to permit a side yard setback of 5 ft. instead of the required 10 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The original building was built directly on ground and in very bad shape. It was in desperate need of rebuilding. Although original house was closer to the fence, to cut off an additional 2 1/2 ft. would restrict our room size considerably.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the Zoning Regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
Donald C. Rapp, Sr.
(Type or Print Name)
Signature
Lynnette Rapp, Lynnette C. Rapp
(Type or Print Name)
Signature
Address: 8350 Bletzer Road, Baltimore, Md. 21222
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of November, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 21st day of December, 1983, at 10:45 o'clock A.M.

Arnold Jablon
Zoning Commissioner
Date: November 30, 1983

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S of Bletzer Rd., 1,200' E of
Glenhurst Rd., 15th District : OF BALTIMORE COUNTY
DONALD C. RAPP, SR., et ux, : Case No. 84-157-A
Petitioner

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, MD 21204
494-2193

I HEREBY CERTIFY that on this 30th day of November, 1983, a copy of the foregoing Order was mailed to Mr. and Mrs. Donald C. Rapp, Sr., 8350 Bletzer Road, 331th, more, MD 21222, Petitioner.

John W. Hession, III
People's Counsel for Baltimore County

Beginning at a point on the North side of Bletzer Road, 1,200 ft. East of Glenhurst Road and thence running in a Northeast direction 44.07 ft., thence North 1°21'00" West 179 ft., thence Southwest 50 ft., thence South 3°17'00" East 179.50 ft. to the beginning point. Also known as 8350 Bletzer Road.

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

DATE: 12-19-1983
PROJECT NO: 59152
SHEET: 15 OF 21

OWNER'S NAME: DONALD C. RAPP SR. AND LYNNETTE RAPP
BUILDING ADDRESS: 8350 BLETZER ROAD, 21222
TOWN: BALTIMORE
BUILDING TYPE: RESIDENTIAL
ENGINEER OR ARCHITECT: DONALD C. RAPP SR.
TRANSFER OR REVISION: N. S. BLETZER ROAD 1200' W. GLENHURST ROAD

A. TYPE OF IMPROVEMENT
1. NEW BUILDING CONSTRUCTION
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING ENTER NO. UNITS DEDUCTED
6. MOVING
7. OTHER

B. OWNERSHIP
1. PRIVATELY OWNED
2. PUBLICLY OWNED
ESTIMATED COST OF MATERIAL & LABOR: \$20,000

C. TYPE OF USE
1. RESIDENTIAL
2. NON-RESIDENTIAL
3. COMMERCIAL
4. INDUSTRIAL
5. OFFICE
6. SCHOOL
7. HOSPITAL
8. OTHER

D. TYPE OF CONSTRUCTION
1. WOOD FRAME
2. CONCRETE
3. STEEL
4. OTHER

E. RESIDENTIAL ONLY
1. SINGLE FAMILY UNITS
2. MULTI-FAMILY UNITS
3. EFFICIENCY HOUSING
4. OTHER

F. DIMENSIONS
1. LOT AREA
2. LOT FRONTAGE
3. LOT DEPTH
4. LOT COVERAGE
5. LOT SETBACKS
6. LOT AREA
7. LOT FRONTAGE
8. LOT DEPTH
9. LOT COVERAGE
10. LOT SETBACKS

G. PLANNING AND ZONING
1. ZONING DISTRICT
2. ZONING MAP NO.
3. PETITION NO.
4. DATE
5. ZONING COMMISSIONER'S NAME
6. ZONING COMMISSIONER'S ADDRESS
7. ZONING COMMISSIONER'S PHONE NO.
8. ZONING COMMISSIONER'S FAX NO.
9. ZONING COMMISSIONER'S E-MAIL ADDRESS
10. ZONING COMMISSIONER'S WEBSITE ADDRESS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
Arnold Jablon
Zoning Commissioner
Date: November 30, 1983
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Donald C. Rapp, Sr., et ux
SUBJECT: No. 84-157-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/af

Mr. & Mrs. Donald C. Rapp, Sr.
8350 Bletzer Road
Baltimore, Maryland 21222

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 17th day of November, 1983.

Arnold Jablon
Zoning Commissioner
Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
December 11, 1983

Mr. & Mrs. Donald C. Rapp, Sr.
8350 Bletzer Road
Baltimore, Maryland 21222

RE: Case #84-157-A (Item No. 120)
Petitioner - Donald C. Rapp, Sr., et ux
Variance Petition

Dear Mr. & Mrs. Rapp:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to legalize the recently constructed addition to the rear of the existing dwelling, this hearing is required.

At the time of this writing, no comments were available from the members of the Committee. If future comments are submitted that offer or request information on your petition, they will be forwarded to you immediately. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the hereby Petition for Variance(s) to permit

IN RE: PETITION ZONING VARIANCE *
N/S of Bletzer Road, 1,200' E
of Glenhurst Road - 15th
Election District *
Donald C. Rapp, Sr., et ux, *
Petitioners *
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-157-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of six feet instead of the required ten feet in order to allow them to build a new home to replace the old cottage that previously existed on the site, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the property is zoned D.R.5.5 and is on the water. When the Petitioners purchased the property in 1980, there existed a building constructed in the 1920's. The Petitioners constructed an addition to the existing building and planned to renovate and rehabilitate it. They quickly found that the old house was unsafe; the joists were rotting and the house was sagging. It had to be razed. The existing house is set back three feet from the side property line. The Petitioners constructed a new home, 32' x 35', which is attached to the addition they first built onto the old house. The new house is set back six feet from the property line. The Petitioners have four children and require the size house they have planned.

It is of interest to note that the neighbor most adversely effected by the variance request is set back seven feet from the property line. Also, both immediate neighbors do not object to the proposal (Petitioners' Exhibits 2 and 3). It is clear that the new dwelling will increase the value of the Petitioners property, enhance the appearance of the entire community, and add to the rehabilitation of the area.

The Petitioners seek relief from Section 1802.3.C.1., pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were to be granted, such use as proposed would not be contrary to the spirit of the regulations and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance were not to be granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of December, 1983, that the Petition for Variance to permit a side yard setback of six feet instead of the required ten feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

December 16, 1983

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Nicholas B. Commodari
Chairman

MEMBERS
Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Mr. & Mrs. Donald C. Rapp, Sr.
8350 Bletzer Road
Baltimore, Maryland 21222

RE: Item No. 120 - Case 84-157-A
Petitioner - Donald C. Rapp, Sr., et ux
Variance Petition

Dear Mr. & Mrs. Rapp:

Enclosed please find additional comments submitted after my original comments of December 14, 1983.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
111 W. Chesapeake Ave.,
Towson, Maryland 21204
404-3060

TED ZALESKI, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 120 Zoning Advisory Committee Meeting are as follows:

Property Owner: Donald C. Rapp, Sr., et ux
Location: N/S Bletzer Road 1200' E. Glenhurst Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 5.5 to permit a side yard setback of 6' in lieu of the required 10'.

Address: 44.07/50 x 179/179.50
District: 15th.

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Building Department, and other applicable Codes.
- X B. A building or other structure shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot line. A firewall is required if construction is on the lot line, see Table 101, line 2, Section 1107 and Table 102, also Section 903.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.
- X I. Comments - It is assumed there is no basement. Section 519.0 as amended applies elevation to basement floors also, in flood plain areas.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Section) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burdick
Charles E. Burdick, Chief
Plans Review

CEB:es

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS

BILL 4-82 BALTIMORE COUNTY BUILDING CODE 1981

EFFECTIVE MARCH 25, 1982

SECTION 519 A section added to read as follows:

SECTION 519.0 CONSTRUCTION IN AREAS SUBJECT HAZARD TO FLOODING

519.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tidewaters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100 year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

2. Crawl space under buildings constructed in the Tidal Plain, as determined by the U.S. Army Corps of Engineers or the Federal Flood Insurance study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require onsite waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

519.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be constructed within the 100 year flood plain of any watercourse. The 100 year flood plain shall be based upon the Federal Flood Insurance study or the Department of Public Works, whichever is the more restrictive; this determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 106.0 or 123.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 519.1 of this section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 519.1 when damage exceeds 50 percent of physical value.

PETITIONER'S Nov. 27, 1983
EXHIBIT

To Whom It May Concern:

I, Robert Reedy, of 8350 Bletzer Rd. have no objections to the width of the house that Donald Rapp Sr. is building at 8350 Bletzer Rd.

Although the building is over the code limits, the house will not be as close to the fence as it was originally.

Sincerely, Robert Reedy 12/16/83

Subscribed and sworn before me this 8th day of December 1983.

My Commission Expires July 1, 1986 Edward F. [Signature]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 12/2/83
Posted for: Petition for Variance
Petitioner: Ronald C. Rapp, Sr., et ux
Location of property: N15 Blitzer Rd., 1200' E of Glenhurst Rd.
Location of Signs: near property (#9350 Blitzer Rd.)
Remarks: _____
Posted by Ann Z. Gorman Date of return: 12/9/83
Number of Signs: 1

PETITION FOR VARIANCE
15th Election District
ZONING: Petition for Variance
LOCATION: North side of Blitzer Road, 1200 ft. East of Glenhurst Road.
DATE & TIME: Wednesday, December 21, 1983 at 10:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing:
Petition for Variance to permit a side yard setback of 6 ft. instead of the required 10 ft.
The Zoning Regulations to be excepted as follows:
Section 1802.3C.1—side yard setback in a D.R. 5.5 zone
All that parcel of land in the Fifteenth District of Baltimore County beginning at a point on the North side of Blitzer Road, 1200 ft. East of Glenhurst Road and thence running in a Northeast direction 44.07 ft., thence North 1° 21' 00" West 179 ft., thence Southwest 60 ft., thence South 9° 17' 00" East 179.50 ft. to the beginning point. Also known as 8350 Blitzer Road.
Being the property of Donald C. Rapp, Sr., et ux, as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order of:
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Dec. 1.

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 1, 1983.
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once each of one time ~~successive weeks~~ before the 21st day of December, 1983, the first publication appearing on the 1st day of December, 1983.

THE JEFFERSONIAN
L. Frank Smith
Manager.

Cost of Advertisement, \$ 21.00

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15th Election District
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BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

